

UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

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July 1, 2004

CERTIFIED-RETURN RECEIPT REQUESTED

Seham, Seham, Meltz & Petersen, LLP
Mr. Nicholas P. Granath, Attorney
2850 Metro Drive, Suite 321
Minneapolis, MN 55425

RE: Cessna Aircraft Company, a Textron Company
Case 17-RC-12276

Dear Mr. Granath:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

As a result of the investigation, it appears that further proceedings on the petition are not warranted at this time. The investigation revealed that the International Association of Machinists & Aerospace Workers, AFL-CIO (IAM) has represented a unit of production and maintenance employees employed by Cessna Aircraft Company (Employer) from around 1940 to the present. The Employer constructed its Wichita Citation Service Center (CSC) in the mid 1970s and staffed it with new hires and transferees from the existing production facility.¹ The IAM was granted voluntary recognition to include the CSC employees into the existing production and maintenance (P&M) unit in 1976 and

¹ The current collective-bargaining unit is comprised of all employees engaged in production, maintenance work and parts rooms at the Wichita plants of the Employer, including working supervisor such as Crew Chief, janitor, clean-up man, maid, productions and maintenance stock clerk and warehouseman, and tool crib attendant but EXCLUDING the following classifications: non-working supervisors, engineers in any department, office workers, watchmen and guards.

that representation continues to date. Since then, and continuing to date, CSC employees have played a significant role in the maintenance of the collective-bargaining agreements on behalf of the IAM. This includes various CSC employees having served as the IAM plant chairman and as members of the IAM bargaining committee. In addition, CSC employees have routinely filed grievances that have been effectively processed by the IAM.

In July 1990, a decertification petition in Case 17-RD-1208 was filed to sever the CSC employees from the appropriate collective-bargaining unit. The Regional Director considered a number of factors, including: employee crafts within the work groups; physical plant and facilities associated with each work group; supervision within the groups; and the relationships of personnel within and between the proposed groups, in reaching a decision, dated August 3, 1990, to dismiss the petition. Upon appeal, the Board, by letter dated November 2, 1990, affirmed the Regional Director's decision.

The Petitioner in the instant matter, Aircraft Mechanics Fraternal Association, asserts changed circumstances that makes the 1990 decision no longer applicable. Specifically, it argues that the Employer's creation of a limited repair station within the manufacturing facility in 1999 has enhanced severance between the P&M and CSC employees to create two distinct and separately defined bargaining units. Additionally, FAA certification of CSC employees in 1999 was sufficient to create a clear division between the CSC and the P&M groups with no continuity or interaction between these work groups.

Regarding these assertions, the investigation revealed that with the creation of the limited repair station in 1999, the repair of aircraft declared to be airworthy and delivered to customers is no longer the exclusive work of the CSC employees. Currently there are approximately 50 bargaining unit employees who work outside the CSC that have Airframe and Powerplant (A&P) licenses, a prerequisite for mechanics to work on aircraft declared airworthy, and who can make necessary repairs to airworthy aircraft and to certify those repairs under their own separate A&P license.

Regarding interaction by the two groups, between 1997 and the present, there have been a minimum of 57 permanent transfers of employees from various manufacturing departments to the CSC. Additionally, there have been numerous instances when the Employer has temporarily assigned P&M employees to work in the CSC for extended periods of time when business needs required additional manpower. Further, on occasion, when a customer's aircraft is unable to fly, CSC and P&M personnel may be assigned to travel to the aircraft to oversee repairs. Such trips are not the exclusive province of either area.

With regard to skills unique to each group, the investigation revealed that the CSC employs approximately 418 employees. Of this group, only 3 of 17 classifications require A&P licenses, while the remaining employees require no special skills to warrant distinction as a separate and unique craft apart from the similarly skilled P&M employees. As noted above, several P&M employees possess the same A&P licenses as those maintained by certain CSC employees.

The Petitioner further states that the CSC workforce has increased dramatically, having its own separate break room, lunchroom, and parking facility from that of the production facility; that the CSC work continues to be performed in a separate facility under separate management; and, the CSC employees are on a separate payroll. Regarding these assertions, the investigation revealed that at the present, there are more than 30 separate buildings used by both CSC and P&M employees in the Employer's Wichita, Kansas operation. Some of those buildings, most of which house bargaining unit personnel, are located approximately 15 miles away at the Pawnee Cessna facility while others are at the Mid-Continent facility, where the CSC is also located. With the large number of separate parking lots and cafeterias located throughout the Employer's facility, all of which are accessible to any bargaining unit employee, the CSC is no different from other Cessna work groups. While the CSC has its own supervisors, P&M supervisors supervise a number of individuals assigned to the CSC. Currently, certain production employees, including upholstery employees, routinely work alongside CSC employees, to prepare the aircraft for customer delivery. Also, when needed, CSC management requests additional manpower from the manufacturing group. The Employer uses a centralized payroll system which tracks costs and revenue associated with all departments, including the Citation Service Center.

The Petitioner also states that the entire CSC will be relocating to a site farther from the factory in November. While the Employer is planning to move the CSC facility, its relocation will involve only a short move from an existing building on the west side of the production facility to another on the north side, both of which remain within walking distance of the production facility.

Finally, the Petitioner asserts that the scope of services performed by the CSC has expanded and now includes battery refurbishing, component overhaul and off-site repairs. In fact, battery and refurbishing at the Service Center dates back to 1981. Composite overhaul work was done at the Service Center prior to 1990 and now both CSC and P&M employees perform off-site repair work.

Regarding the assertion that all job classifications have been changed, the investigation revealed that the Employer revised job classifications throughout the Company in 1990 and 1991. The revisions were not unique to the Service Center but, rather, included jobs throughout the Employer's Wichita facilities. Further, job grades are standardized throughout the Employer's operation, including the Service Center.

Based on the above, including the history of collective bargaining for an overall unit of employees including the CSC employees with the P&M employees, I conclude that the CSC has been and continues to be merged into the production and maintenance unit. In these circumstances, it appears that, since the unit of employees for whom you seek an election is inappropriate for collective-bargaining purposes in that it is limited to CSC employees, further proceedings are not warranted at this time. I am, therefore, dismissing the petition in this matter.

See attached copy of Form NLRB-4916 for the procedure applicable for filing a request for review for the foregoing ruling.

Very truly yours,

/s/ Leonard P. Bernstein

Leonard P. Bernstein
Acting Regional Director

LPB:mm

Enclosure

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